

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOPHIA NG,

Debtor

No. C 13-328 CRB

Bankruptcy No. 06-30904 TEC

PATRICIA HEWLETT,

Appellant,

ORDER DISMISSING APPEAL

v.

JANINA MARIA ELDER-HOSKINS,

Appellee.

Appellant Patricia Hewlett (“Hewlett”) appeals a Bankruptcy Court judgment dismissing all of her outstanding claims. Hewlett appeals *in propria persona* and provides no legal or factual basis for disturbing the judgment of the Bankruptcy Court. Accordingly, the judgment is AFFIRMED.

PROCEDURAL HISTORY

On September 30, 2006, the debtor, Sophia Ng, filed a Chapter 11 bankruptcy. At the time the bankruptcy was filed, Ng owned real property, including an apartment building located at 1385 Clay Street. In January 2007, Hewlett filed a proof of claim in the Ng bankruptcy claiming various interests in 1385 Clay Street based on pre-bankruptcy petition contracts. The Trustee subsequently filed an adversary proceeding against Hewlett challenging her claimed interests in 1385 Clay Street and objected to Hewlett’s proof of claim.

The Bankruptcy Court dismissed several of Hewlett’s claims in an order this Court and the Ninth Circuit affirmed. See Ninth Cir. Case No. 08-15554, Dkt. 28. On January 13, 2013, the Bankruptcy Court dismissed all remaining claims in an adversary proceeding. In re Sophia Ng, N.D. Bank. Ct., Adv. Proc. No. 07-3071TEC, Doc. Nos. 184, 185. Hewlett was the only party to object. Her counsel subsequently filed a statement with this Court

1 indicating that he was unable to identify any non-frivolous issues for appeal. Appellant's
2 Statement (dkt. 15).

3 JURISDICTION

4 This Court has jurisdiction of this bankruptcy appeal pursuant to 28 U.S.C. § 158(a).
5 The Bankruptcy Court issued its Memorandum Re Dismissal of All Remaining Claims
6 Against All Parties and its final Judgment on January 18, 2013. The Bankruptcy Court's
7 decision forms the basis of the present appeal.

9 LEGAL STANDARD

10 A district court reviews a bankruptcy court's findings of fact for clear error and its
11 conclusions of law de novo. In re Int'l Fibercom, Inc., 503 F.3d 933, 940 (9th Cir. 2007).

13 DISCUSSION

14 Hewlett fails to articulate a single legal basis for overturning the decision of the
15 Bankruptcy Court. Hewlett's former counsel was unable to identify any non-frivolous issues
16 to appeal and explained in a well-reasoned filing why Hewlett has no basis for appealing the
17 judgment now on appeal. Appellant's Statement. Hewlett ignored the advice of counsel and
18 filed a brief *in propria persona*. Her only argument is that a "reasonable person with
19 knowledge of all the facts would conclude that Judge Carlson's impartiality might reasonably
20 be questioned." Reply Br. (dkt. 19) at 4. To the extent it is possible to construe Hewlett's
21 briefs as arguing that the Bankruptcy Court clearly erred in its findings of fact, Hewlett
22 provides no support for such argument.¹

23 **IT IS SO ORDERED.**

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25 Dated: September 16, 2013



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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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¹ Appelle makes numerous other facially valid legal arguments in her brief. The Court need not reach these arguments as Hewlett has failed to articulate any basis for disturbing the judgment on appeal.